IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

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**WRIT PETITION NO : 7103 of 2005**

**Between**:

R.Jogi Naidu, S/o. Ram Murthy Naidu
Gajapathinagaram Mandal, Vizianagaram District.

**..... PETITIONER**

**AND**

1 The Commissioner, Prohibition & Excise,

Nampally, Hyderabad.
2 The Superintendent, Proh & Excise Dept.,

Viziangaram.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of writ of Mandamus, to declare the action of the respondent No.1 herein in not considering the representation dt. 23.02.2005 submitted by the petitioner seeking to refund the proportionate rentals and the licence fee for the period from 19.05.1998 to 31.03.1999 i.e., 317 days during which period the petitioner could not conduct the business as arbitrary, illegal, unjust, improper and consequently direct the respondents herein to take necessary steps pursuant to the representation dt.23.03.2005 and to grant such other relief or reliefs.

**Counsel for the Petitioner: MR.LINGESWARA RAO PANDRANKI**

**Counsel for the Respondents: GP FOR PROHIBITION & EXCISE**

**The Court made the following :**

**ORDER:**

Petitioner filed this writ petition questioning the action of respondent No.1 in not considering his representation dated 23-02-2005 seeking to refund the proportionate rentals and the licence fee for the period from 19-05-1998 to 31-03-1999 i.e., 317 days during which period he could not conduct the business.

The petitioner claims to be an IL-24 licensee, and respondent No.2 vide orders dated 19-5-1998 cancelled the licence for violation of the licence conditions. Questioning the said order, the petitioner preferred a revision before the Government, which *vide* orders passed in G.O. Rt. No.3122, dated 09-11-2001, was allowed and the licence of the petitioner was restored. Assailing the orders of the Government in
G.O. Rt. No. 3122, dated 9-11-2001, one A. Sambasiva Rao, filed writ petition in W.P. No. 25404 of 2001, and this court by order dated
30-12-2001, suspended the said G.O. Having regard to the interim orders passed by this court, suspending the G.O., the petitioner states his licence was again suspended.

The petitioner states that due to suspension of his licence, he could not do any business for a period of 317 days from 19-5-1998 to 31-3-1999, and therefore, he filed a representation before respondent No.1 on 23-02-2005, seeking refund of the licence fee proportionately for the period during which he could not conduct business. Now, it is the grievance of the petitioner that though he filed the representation for refund of the licence fee on 23-02-2005, the respondents have not passed any orders thereon till date. Hence, he seeks appropriate directions.

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise for the respondents.

Having regard to the fact that the representation dated
23-02-2005, said to have been made by the petitioner for refund of licence fee for the period during which he did not do business, is pending consideration before respondent No.1, without expressing any opinion on the merits of the matter, I deem it appropriate to dispose of the writ petition with a direction to respondent No.1 to

consider and dispose of the representation of the petitioner dated 23-02-2005, in accordance with law, as expeditiously as possible, if not already disposed of.

Accordingly the writ petition is disposed of. There shall be no order as to costs.

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**N.V.RAMANA,J**

**25th April, 2005**

**TVK**

To

1 The Commissioner, Prohibition & Excise,

Nampally, Hyderabad.

2 The Superintendent, Proh & Excise Dept.,

Viziangaram.

3 Two CCs to the G.P. for Prohibition & Excise,

High Court Buildings, High Court of A.P.,

Hyderabad. (O.U.T.)

4 Two CD copies.